

Affidavit of Publication.

STATE OF IDAHO
COUNTY OF TETON SS.

I, F. C. Madsen, the undersigned, being first duly sworn, upon oath deposes and says:

1. That I am the publisher of the "Teton Valley News," a weekly newspaper, printed and published in the Village of Driggs, in Teton County, State of Idaho.

2. That the *Attached Notice*

of which the attached is a copy, was published for *4* consecutive weeks, in the regular and entire issue of said newspaper, and not in any supplement thereof, beginning with the issue dated *Aug. 4* 1921 and ending with the issue dated *Aug. 25* 1921.

3. That said newspaper has been printed and published weekly in said Village of Driggs, Teton County, State of Idaho, continuously and uninterruptedly, for more than seventy-eight weeks prior to the first publication of said *Attached Notice*

F. C. Madsen

Subscribed and sworn to before me this *26th* day of *August*, 1921.

Ben W. Driggs
Notary Public for the State of Idaho, residing at Driggs, Idaho.

My commission expires

Mar 4, 1925

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 A. M. on the 31st day of August, 1921, at Driggs, County of Teton, State of Idaho, before Ben W. Driggs, a Notary Public, proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of Horseshoe Creek, in accordance with the terms and conditions of Permit No. 13200 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the persons holding said permit are James Martin and Melvin Daniels, Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic.

The amount applied to beneficial use is three cubic feet.

The place where said water is used is $E\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22, Township 5 North, Range 44 East, Boise Meridian.

The date of the priority which said users are prepared to establish is Sept. 17, 1917.

W. G. SWENDSEN,
Commissioner of Reclamation.

Aug 4-25

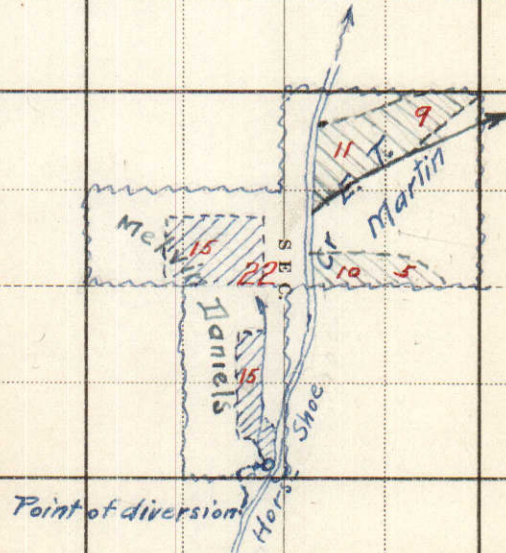
13200

Ethel T. Martin

Beneficial use
Permit #13200

(7/24/21)
H

NAME OF APPLICANT Melvin Daniels



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

13200

Affidavit of Publication.

STATE OF IDAHO SS.
COUNTY OF TETON

I, F. C. Madsen, the undersigned, being first duly sworn, upon oath deposes and says:

1. That I am the publisher of the "Teton Valley News," a weekly newspaper, printed and published in the Village of Driggs, in Teton County, State of Idaho.

2. That the *Notice of Proof of Application of Water* of which the attached is a copy, was published for 4 consecutive weeks, in the regular and entire issue of said newspaper, and not in any supplement thereof, beginning with the issue dated March 17 1921 and ending with the issue dated April 7, 1921.

3. That said newspaper has been printed and published weekly in said Village of Driggs, Teton County, State of Idaho, continuously and uninterruptedly, for more than seventy-eight weeks prior to the first publication of said *Notice of Application of Water*.

Subscribed and sworn to before me this 9th day of April 1921.

Richard S. Willis
Notary Public for the State of Idaho, residing at Driggs, Idaho.

My commission expires Dec. 10 - 1923.

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10:30 A. M., on the 15th day of April, 1921, at Blackfoot, County of Bingham, State of Idaho, before Lorenzo R. Thomas, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Horse Shoe Creek, in accordance with the terms and conditions of Permit No. 13200 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice addresses of the persons holding said permit are: Ethel T. Martin and Melvin Daniels, of Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 6.4 cubic feet.

The place where said water is used is the NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 5 N., R. 44, E. B. M.

The date of priority which said users are prepared to establish is September 17, 1920.

W. G. SWENDSEN,
Commissioner of Reclamation.

March 7 Apr 7

117

13200

"EXHIBIT A"

Attorney for Execution

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

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The name and postoffice addresses of the persons holding said permit are: Ethel T. Martin and Melvin Daniels, of Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 6.4 cubic feet.

The place where said water is used is the NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 5 N., R. 44, E. B. M.

The date of priority which said users are prepared to establish is September 17, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

Mrch 17 Apr 7

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13200

Name of Applicant

James A. Martin and Melvin Samuels

Township 5 N. R. 44 E. Cont. 1000000

SEC.

SEC.
19

SEC.

SEC.

SEC.
20

SEC.

SEC.

SEC.
21

SEC.

SEC.

SEC.
22

SEC.

SEC.

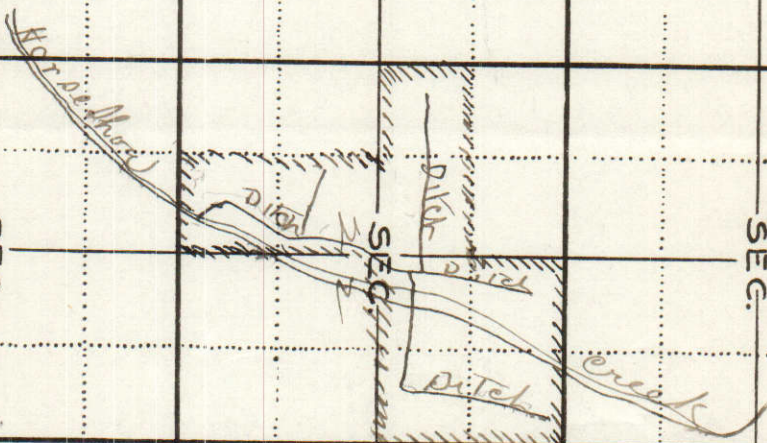
SEC.
23

SEC.

SEC.

SEC.
24

SEC.



State of Idaho
License and Certificate of Water Right

Water License No. 13200
Water District No. 36-C

Amount 0.7 sec. ft.
Priority 9-17-17

THIS IS TO CERTIFY that JAMES A. MARTIN & MELVIN DANIELS of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1917; that Permit No. 13200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on February 24, 1921, showing that said works were completed on the 13th day of October, 1920; and that on the 15th day of April, 1921,

ETHEL T. MARTIN

of Blackfoot, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Horse Shoe Creek, a tributary of Teton Creek, for the purpose of irrigation & domestic use under Use Permit No. 13200 of the State Engineer.

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2831, on the 13th day of September, 1921;

The right hereby confirmed dates from September 17, 1917;

The Point of Diversion is located in the SE 1/4 SW 1/4, Sec. 22, Tp. 5 N., R. 44 E., B. M. County of Teton

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	44 E.	22	NE 1/4 NE 1/4	40	9
			NW 1/4 NE 1/4	40	11
			SW 1/4 NE 1/4	40	10
			SE 1/4 NE 1/4	40	5
			SW 1/4 NW 1/4	40	--
			SE 1/4 NW 1/4	40	--
			NE 1/4 SW 1/4	40	--
			SE 1/4 SW 1/4	40	--

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 13th day of September, 1921.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 12509Amount 1.56 sec. ft.Water District No. 41-BPriority 8-10-16

THIS IS TO CERTIFY that M. E. McCormick
of Weiser, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 10, 19 16; that Permit No. 12509
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.4 second feet, was issued thereunder on August 5, 1921, showing that said works
were completed on the 29th day of July, 1921; and that on the 8th
day of September, 1921,

ADDIE C. MCCORMICK

of Weiser, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Jenkins Creek
, a tributary of SNAKE RIVER, for the purpose of irrigation
& domestic use under Use Permit No. 12509 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 5 of Licenses, at page 2830, on the 13th day of September, 1921;

The right hereby confirmed dates from August 10, 19 16;

The Point of Diversion is located
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Tp. 11 N., R. 6 W., B. M. County of Washington.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 1.56 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 N.	6 W.	24	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	28
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	37
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$	20	13

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 13th day of September, 19 21.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 13200
Water District No. 36-C

Amount 0.6 sec. ft.
Priority 9-17-17

THIS IS TO CERTIFY that JAMES A. MARTIN and Melvin Daniels of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 17, 1917; that Permit No. 13200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on February 24, 1921, showing that said works were completed on the 3d day of January, 1921; and that on the 31st day of August, 1921,

MELVIN DANIELS

of Driggs, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Horse Shoe Creek, a tributary of Teton River, for the purpose of irrigation & domestic, under Use Permit No. 13200 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2868, on the 20th day of October, 1921;

The right hereby confirmed dates from September 17, 1917;

The Point of Diversion is located in the SE 1/4 SW 1/4, Sec. 22, Tp. 5 N., R. 44 E., B. M. County of Teton.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	44 E.	22	NE 1/4 NE 1/4	40	--
			NW 1/4 NE 1/4	40	--
			SW 1/4 NE 1/4	40	--
			SE 1/4 NE 1/4	40	--
			SW 1/4 NW 1/4	40	3
			SE 1/4 NW 1/4	40	12
			NE 1/4 SW 1/4	40	7
			SE 1/4 SW 1/4	40	8

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 20th day of October, 1921.

W.G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 13162

Amount 1.5 sec. ft.

Water District No. 36-C

Priority ~~11-25-17~~

THIS IS TO CERTIFY that Henry C. McDonald
of Victor, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 6, 1917; that Permit No. 13162
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.5 second feet, was issued thereunder on October 26, 1918, showing that said works
were completed on the 9th day of September, 1918; and that on the 29th
day of December, 1919,

HENRY C. McDONALD

of Victor _____, State of Idaho _____, made proof to the satisfaction of the Commissioner of Reclamation _____ of Idaho, of the right to use the waters of Trail Creek _____, a tributary of Teton River _____, for the purpose of irrigation & domestic _____, under Use Permit No. 13162 _____ of the State Engineer _____ and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 5 _____ of Licenses, at page 2869, on the 21st day of October _____, 1921;

The right hereby confirmed dates from November 25, 1917;

The Point of Diversion is located
in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Tp. 3 N., R. 45 E., B. M.
County of Teton.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	45 E.	36	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 21st day of October, 1921.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

APPLICATION FOR PERMIT 22-2082

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **18849.**
 Permit No. **13200.**
 District No. **36 C.**

1. Name of Applicant: **James A. Martin and Melvin Daniels.**

Postoffice address: **Driggs,** County: **Teton** State: **Idaho.**

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: **6.4** cubic feet per second.

3. Source of water supply: **Horse Shoe Creek** which is a tributary of **Teton River.**

4. Location of point of diversion: _____ feet distant from the
 corner of Section _____, T. _____, R. _____, B. M., and is in the **SE $\frac{1}{4}$ SW $\frac{1}{4}$**
 of Section **22**, T. **5 N.**, R. **44 E.**, B. M., County of **Teton.**

5. Water is to be used for: **domestic and irrigation.**

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
 T. _____, R. _____, B. M., in the _____ of Section _____, T. _____, R. _____, B. M.

(b) Amount of power generated: _____ H. P., under _____ feet head.

(c) Water is to be returned to _____ at a point _____ feet
 distant from the _____ corner of Section _____, T. _____, R. _____, B. M., in the
 _____ of Section _____, T. _____, R. _____, B. M.

7. Estimated cost of works: \$ **500.00.**

8. Kind of works: **ditch.**

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____
 feet; material used in dam _____

10. Size of headgate: Width _____ feet; height _____ feet.

11. Ditch: Width at bottom **4** feet; width at water line **6** feet; depth of water **2**
 feet; dimensions of flume _____

Diameter of pipe _____ inches; length of conduit **3/4** miles.

Average grade per mile **8** feet.

12. The time required for the completion of such work is **3** years.

13. The time required for the complete application of the water to the proposed use is **1** additional years.

14. The land to be irrigated is described in the following tabulation: **See Remarks.**

15. (a) Is reservoir to be used?

no.

If so, fill in (b) and (c) below.
- (b) Name of reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James A. Martin
Melvin Daniels

Applicant.s.

By

J. H. Anderson,

Agent.

Date of first receipt at office of State Engineer 9:00 A. M. September 17, 1917.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 13200.
Recorded in Book 46 Page 13200 Approved October 13, 1917.
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before December 12, 1917 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before April 13, 1919.
The whole of said work to be completed on or before October 13, 1920.
Beneficial use of water appropriated in accordance herewith, to be made on or before October 13, 1921.

Witness my hand this 13th day of October, 1917.

J. H. Smith,

State Engineer.

Remarks:

14	Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
				NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	5 N	44 E	22	40	40	40	40			40	40	40			40					320
				Total number of acres to be irrigated - - - - -																320
				ASSIGNMENT OF WATER PERMIT																
				This indenture made the 3rd day of February, 1921, evidences that for and in consideration of the sum of One Dollar and other valuable considerations, I, James A. Martin of Blackfoot, Bingham County, Idaho, owner of the one-half interest in and to permit No. 13200 approved the 13th day of October, 1917, by the State Engineer of the State of Idaho, hereby sell, assign and transfer unto Ethel T. Martin of Driggs, Teton County, Idaho, together with the right to the use of the waters represented by said permit for the irrigation of the NE¼ of Section 22, in Township 5 North, of Range 44 East, same being that part of the land for which said permit was granted to the said James A. Martin, the undersigned.																
				STATE OF IDAHO,) COUNTY OF BINGHAM,) SS: James A. Martin.																
				On this 3rd day of February, 1921, before me, J. H. Andersen, a Notary Public in and for the State of Idaho, personally appeared James A. Martin, known to me to be the person who executed the foregoing assignment of water permit No. 13200 and he duly acknowledged to me that he executed the same for the purposes therein mentioned.																
				IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.																
				(SEAL) My commission expires Aug. 27, 1923.																J. H. Andersen Notary Public Residing at Blackfoot, Ida
				Received and filed for record in the Department of Reclamation, at Boise, Idaho, at 3:30 P. M. Feb. 10, 1921.																W. G. Swendsen, Commissioner of Reclamation. By. C.B.

S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION.

In the Matter of the Reinstatement)
of Permit No. 13200, Under the Pro-)
visions of Section 5574, Compiled)
Statutes of Idaho.)

ORDER REINSTATING PERMIT.

WHEREAS, Permit No. 13200 lapsed through failure of the holders to make proof of completion of works within the time specified, to-wit; October 13, 1920; and,

WHEREAS, On the 3rd day of January, 1921, the holders filed their depositions in support of the proof of completion of works, said depositions setting forth the fact that the works of diversion under said permit were fully completed within the time required and that the holders had acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 13200 be, and the same is hereby reinstated and that the certificate of completion of works be issued in the usual manner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 24th day of February, 1921.

W. G. Swendsen,
Commissioner of Reclamation.
By: S. T. Baer,
Deputy.

(SEAL)

Proof Completion of Works made: January 3, 1921.
Certificate issued: February 24, 1921.

Permit No. 13200

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Ethel T. Martin and Melvin Daniels, of Driggs, County of Teton, and State of Idaho, the holders of Permit No. 13200, issued upon Application No. 18849, bearing date of priority of September 17, 1917, authorizing the diversion of 6.4 second feet of the waters of Horse Shoe Creek, County of Teton, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 6.4 second feet of the waters of Horse Shoe Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 5 N., R. 44 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 22, T. 5 N., R. 44 E., B. M.

Witness my hand this 24th day of February, A. D. 1921.

W. G. Swendsen,
Commissioner of Reclamation.

By: S. T. Baer,
Deputy.

License issued for 0.7 second feet - Ethel T. Martin
Page 2831

License issued for 0.6 second feet - Melvin Daniels
Page 2868

WATER RIGHT NUMBER 22-20828

OWNER LAST NAME - MARTIN
OWNER LAST NAME - DANIELS
OWNER LAST NAME - DANIELSFIRST NAME - JAMES A.
FIRST NAME - MELVIN
FIRST NAME - MELVINORIG OWNER - 0
ORIG OWNER - 0
ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - DRIGGS

STATE - ID ZIP CODE - 83422

SOURCE - HORSE SHOE CREEK

TRIBUTARY OF - TETON CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 09-17-1917 COUNTY - TETON

TOTAL DIV. RATE - .6000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SESW 22 05N 44E LDT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - TO - USE - IRRIGATION

USE DIV. RATE - .6000 CFS USE DIV. VOLUME - .00 AFA

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 05N RNG 44E SEC 22 TRACT SSW LOT AC 03 TRACT SENW LOT AC 12

TRACT NESW LOT AC 07 TRACT SESW LOT AC 08

DATE - TOTAL ACRES 30

DECREE NAME -

REMARKS - LIC. INCORRECTLY SHOWS SOURCE AS TETON RIVER.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 13200

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

WATER RIGHT NUMBER 22-2082A

OWNER LAST NAME - MARTIN

OWNER LAST NAME - DANIELS

OWNER LAST NAME - MARTIN

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - HORSE SHOE CREEK

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SESW-22-05N-44E-LOT

FROM - TO - USE - IRRIGATION

FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE - IRRIGATION

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

FIRST NAME - JAMES A.

FIRST NAME - MELVIN

FIRST NAME - ETHEL T.

ADDRESS LINE 2 -

CITY - DRIGGS

TRIBUTARY OF - TETON CREEK

PRIORITY - 09-17-1917

WATER DIST. -

REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE - .7000 CFS

USE DIV. RATE - .0000 CFS

PLACE OF USE - TWN 05N-RNG 44E-SEC 22

TRACT NENE-LOT

TRACT SWNE-LOT

DATE -

ORIG OWNER - 0

ORIG OWNER - 0

ORIG OWNER -

STATE - ID ZIP CODE - 83422

TOTAL DIV. RATE - .7000 -CFS

RIGHT BASIS -

USE DIV. VOLUME - .00 AFA

USE DIV. VOLUME - .00 AFA

AC 09-TRACT NWNE-LOT

AC 10-TRACT SENE-LOT

TOTAL ACRES

AC 11-

AC 05-

PROTESTED -

HEARING -

OLD NO. - 13200

WATER RIGHT NUMBER 22-2082 ✓

OWNER LAST NAME - FIRST NAME - ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - STATE - ZIP CODE -
SOURCE - TRIBUTARY OF -
STAGE - STATUS - PRIORITY - COUNTY - TOTAL DIV. RATE - .0000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT -
FROM - TO - USE - USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
USE - PLACE OF USE - TWN RNG SEC DATE - TOTAL ACRES 0
DECREE NAME -
REMARKS - SPLIT INTO 22-2082A & 22-2082B. ✓
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

July 23, 1928

Re: Permit 13200

Ethel Martin
Blackfoot, Idaho

Dear Madam:

In reply to your letter of July 21, I beg to advise that our records disclose that license was issued under the above mentioned permit as follows:

To Melvin Daniels, 30 inches for the irrigation of 8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, 7 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 5 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 5 North, Range 44 East;

To Ethel Martin, 35 inches for the irrigation of 9 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 5 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 10 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 11 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This license was issued as a result of a field examination by a representative of this department and the acreages and the amount of water allotted were determined from information gained through the field examination, which was made in July, 1921.

If you have irrigated additional land and now desire to make proof on such additional land, you may do so, but your date of priority will be as much later than the date of filing of your permit as you are late in making the proof as required in the permit.

If you desire to make additional proof, please advise us and we will send you the proper forms.

Yours very truly,

Assistant Commissioner
of Reclamation

MS/eq

13200

Handwritten notes:
 aug. 21
 Melvin Daniels
 10-12
 15-15
 20-25
 5-5
 50-57
 SE SW 10-8
 NE SW 15-7
 SE SW 20-15
 SW NW 50-30
 Martin - apr - 21
 40 NW NW - 9
 40 SE NE - 5
 35 SW NE - 10
 30 NW NE - 11
 35-

Blackfoot, Idaho

July 21-28

Hon. G. W. Swendsen, Commissioner,
Boise, Idaho

My dear Mr. Swendsen:

I was very much surprised to learn that I was given only 30 inches of high water right in the Horse Shoe Creek, Teton County, Idaho, to be used on the NE¹ of Sec. 22², 5 N, R 44.

I was sure application had been made for 160 inches and that I proved up on that amount. My land was prepared and ready for the use of 160 inches.

Mr. Martin and a Melvin Daniels made application together first for this water right, then same was transferred to me and I am inclined to think an error was made on account of the connection of Melvin Daniels with this deal as he asked for 30 inches only, but Mr. Martin says he made application for 160. That is what I have ~~worked~~^{worked} for, even cleaning out the Horse Shoe Creek that I might be insured this water. Have used same for the past 10 years.

Would your office kindly look this matter up and advise me in the premises, addressing me at Briggs, Idaho, R.F.D #2.

Very truly

Ethel Martin

13200

October 24, 1921.

Re: Permit No. 13200.

Mr. Melvin Daniels,

Driggs, Idaho.

Dear Sir:

We enclose herewith Water License,
issued under the above numbered Permit, together
with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

CB/E

By _____
Chief Clerk.

13200



D. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

September 10, 1921.

Re: Permit No. 13200.

Mr. Melvin Daniels,
Driggs, Idaho.

Dear Sir:

Upon receipt of fees in the sum of \$8.00
license will be issued under the above numbered Permit.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By *C. Brown*
Chief Clerk.

CB/E

Enclosed please find \$8.00 fees.

Melvin Daniels

13200

September 23, 1921.

Re: Permit No. 13200.

Mrs. Ethel T. Martin,
Blackfoot, Idaho.

Dear Madam:

Enclosed you will find Water License
issued under the above numbered Permit, together
with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

CB/E

13200

Blackfoot, Ida.
Sept 14 - 21

W. G. Swendsen,
Earse, Ida

Dear Sir: -

Inclosed find my
check for \$8⁰⁰ in payment
of fee for licence on permit
No 13200.

A. prompt reply will be
appreciated

Very truly

Mrs Ethel J. Marton

13200

September 10, 1921.

Re: Permit No. 13200.

Mrs. Ethel T. Martin,
Blackfoot, Idaho.

Dear Madam:

Upon receipt of fees in the sum of \$8.00
license will be issued under the above numbered Permit.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

OB/E

By _____
Chief Clerk.

13200

Affidavit of Publication.

STATE OF IDAHO
COUNTY OF TETON SS.

I, F. C. Madsen, the undersigned, being first duly sworn, upon oath deposes and says:

1. That I am the publisher of the "Teton Valley News," a weekly newspaper, printed and published in the Village of Driggs, in Teton County, State of Idaho.

2. That the

Attached Notice

of which the attached is a copy, was published for 4 consecutive weeks, in the regular and entire issue of said newspaper, and not in any supplement thereof, beginning with the issue dated Aug. 4, 1921 and ending with the issue dated Aug. 25, 1921.

3. That said newspaper has been printed and published weekly in said Village of Driggs, Teton County, State of Idaho, continuously and uninterruptedly, for more than seventy-eight weeks prior to the first publication of said

Attached Notice

F. C. Madsen

Subscribed and sworn to before me this 26th day of August, 1921.

Ben W. Wright

Notary Public for the State of Idaho, residing at Driggs, Idaho.

My commission expires

Mar 4, 1925

13200

PERMIT NO. 13200**Proof of Application of Water to Beneficial Use****Deposition of Holder**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Melvin Daniels, age Driggs, Idaho, farmer.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit 1917.Ans. No. 13200, dated Sept. 17, 1917. Date of priority September 17.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Horseshoe Creek. About three rods northwest from the south-east corner of the SW $\frac{1}{4}$, Sec. 22, Tp. 5 North, Range 44 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Concrete dam about 4 ft. high, 16 feet wide, ditch two feet wide, 1 $\frac{1}{2}$ feet deep, capable of conveying 3 cu. feet of water, Daniels-Martin ditch.

Ques. 6. State for what purport water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation and domestic, ten acres in SE SW $\frac{1}{4}$, 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, and 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 5 North, range 44 East, Boise meridian actually been irrigated, and used in each 40 acres, no meadows of any kind. Raised grain as a result.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. Three cubic feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Am the person, but permit was issued jointly to James Martin and Melvin Daniels. I am making individual proof on my part.

13200

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. In June and July, 1919, about one cu. foot, in 1920 irrigated 30 acres and used two cubic feet, in 1921 about 50 acres, used 3 cu. feet, each year during June and July.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

Ans. None.

(Sign) *Melvin Daniels*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Driggs County of Teton State of Idaho, on this 31st day of August A. D. 1921.

B. W. Driggs

Notary Public

Residing at Driggs, Idaho.

13200.

Permit No. 13200**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. Oswald Jorgensen, age 30, Driggs, Idaho, farmer.Ques. 2. Are you acquainted with Melvin Daniels, the holder of Permit No. 13200? How long have you known him and where does he reside?Ans. Yes, two years, Driggs, Idaho.Ques. 3. Have you read or heard read said Permit No. 13200, and are you familiar with its provisions and conditions?Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horseshoe Creek, about three rods from the southeast corner of the southwest quarter of section 22, Township 5 North, Range 44 East, Boise meridian. Has a concrete dam, ditch about 2 feet wide and 18 inches deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Three cubic feet. I did not estimate the amount, ditch full.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation. Watered about 10 acres of SE $\frac{1}{4}$ SW $\frac{1}{4}$, 20 acres of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and 10 acres of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ said section 22. No meadow, raised grain as a result of irrigation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam, would take at least 3 cu. feet.13200

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No, only get water from same source and have an interest in the dam.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During June and July 1920 and 1921, ditch full two feet wide and 1½ feet deep, irrigating the land.

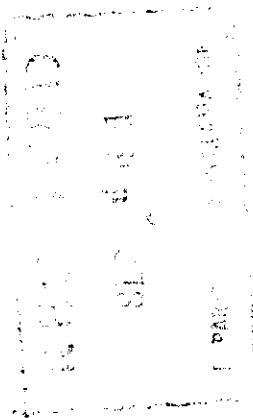
(Sign) Oswald Jorgensen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Driggs, County of Teton, State of Idaho, on this 31st day of August A. D. 1921.

Notary Public.

My commission expires Mar. 4, 1925.

13200



Permit No. 13200**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. Priam H. Hibbard, age 64, Driggs, Idaho, farmer.Ques. 2. Are you acquainted with Melvin Daniels, the holder of Permit No. 13200? How long have you known him and where does he reside?Ans. Yes, 7 or 8 years, Driggs, Idaho.Ques. 3. Have you read or heard read said Permit No. 13200, and are you familiar with its provisions and conditions?Ans. yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horseshoe Creek, about three rods northwest from the southeast corner of the SW $\frac{1}{4}$, Sec. 22, Tp. 5 N.R. 44 E.B.M. Concrete dam six feet high and about 16 feet long, ditch about two feet wide and from 1 $\frac{1}{2}$ to 2 feet deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Three cubic feet, saw the ditch full several times.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation on E $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 22, Tp. 5 N.R. 44 E.B.M..10 to 12 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, 15 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 20 to 25 in SE $\frac{1}{4}$ NW $\frac{1}{4}$ and about 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, said section 22, irrigated.No meadow. Raised grain as a result of irrigation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. clay and gravel soil. At least one inch to the acre, some parts require more.13200

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 1920, saw water on it. In 1920 I helped to irrigate it and saw at least three cubic feet of water on the land, in June, July and August.

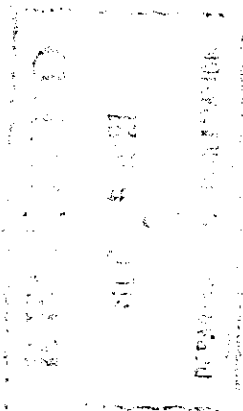
(Sign) Priam H. Hibbard

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Driggs, County of Teton, State of Idaho, on this 31st day of August A. D. 1921.

Ben W. Wiers
Notary Public.

My commission expires March 4, 1925.

13200



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, **August 25, 1921.**

**James Martin & Melvin Daniels,
c/o Ben W. Driggs,
Driggs, Idaho.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. **13200**

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On **August 31, 1921**, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at **Driggs, before Ben W. Driggs, N. P.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

13200

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 31st day of August, 1921,
at Driggs, County of Peton, State of Idaho,
before Ben W. Driggs, a notary public, proof will be submitted
of the application to beneficial use of three cubic feet per second of the
waters of Horseshoe Creek in accordance with the terms and conditions of
Permit No. 13200 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

James Martin and Melvin Daniels, Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic

The amount applied to beneficial use is One cubic foot

The place where said water is used (if for irrigation, give full and accurate description of the lands
irrigated) Block 1, Sub 1, Section 22, Township 5 North, Range 44 East,
Boise meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is Martin-Daniels ditch

The right to take water from such works is based upon Permit No. 13200

The source of supply from which such water is diverted is Horseshoe Creek.

The date of the priority which said user is prepared to establish is.....

October 13, 1917. Sept 17 - 1917

State Engineer.

13200

(P. O.)

Driggs, Idaho

(Date)

July 31, 1921

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of *July 29, 1921* enclosing notice of proof under Permit No. *13200* which will be published as you request, beginning with our issue of *Aug. 4, 1921*

RECEIVED

AUG 13 1921

DEPARTMENT OF RECLAMATION

Felton Valley News

by J. C. Madson, Publisher

13200

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Boise, Idaho, July 29, 1921

Teton Valley News,
Driggs, Idaho

Dear Sirs:

Enclosed find Notice for Publication under Permit no. **13200** which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by **James Martin and Melvin Daniels, Driggs, Idaho** to whom you will please furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation

13200

July 29, 1921.

Mr. James Martin,
Melvin Daniels,
Driggs, Idaho.

Gentlemen:

We are in receipt of notices of proof of beneficial use under the above numbered permit. One copy is this day being mailed to the Teton Valley News at Driggs as per your request, for the required publication for four weeks. Deposition blanks will be mailed to Ben W. Driggs, Driggs, Idaho, in time for proof to be made August 31st, 1921.

Very truly yours,

W. G. SWENDESEN,
Commissioner of Reclamation

By

MB

Chief Clerk.

13200

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 26, 1921

(P. O.) Driggs, Idaho

TO THE STATE ENGINEER:

Boise, Idaho.

DEAR SIR:

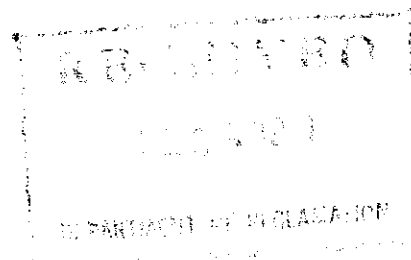
You are hereby authorized to have the attached notice published at my expense in the
Teton Valley News of Driggs, Idaho, published
in the county in which the works are situated.

Melvin Daniels

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.



13200

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 36-C
Permit 132001. State name of applicant and number of permit: Ethel T. Martin & Melvin Daniels2. State source of water supply: Horse Shoe Creek3. Location of point of diversion: SE¹/₄SW¹/₄ Sec. 22, T. 5N.R. 44 E.4. Describe works as they exist, giving dimensions and capacities of same: Dam of concrete 12" thick, 4 ft high, 25 ft long, ditch 3 ft deep and 1 ft wide, water 3 ft deep at maximum capacity5. State whether or not water has been turned into works of diversion: yes.6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE¹/₄, S¹/₂NW¹/₄, NE¹/₄SW¹/₄ & SE¹/₄SW¹/₄ Sec. 22-5N-44E.

	Sec. 22	Acres (approximately)
NE ¹ / ₄		
S ¹ / ₂ NW ¹ / ₄	1.5	1.5
NE ¹ / ₄ SW ¹ / ₄	7	
SE ¹ / ₄ SW ¹ / ₄	8	
NW ¹ / ₄ NE ¹ / ₄ 11A, NE ¹ / ₄ NE ¹ / ₄ 4A, SW ¹ / ₄ NE ¹ / ₄ 10A, SE ¹ / ₄ NE ¹ / ₄ 5A.		

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system?

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Teton River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks:

This examination was made on the 24th day of July 1921

(Signed)

Fred A. Johnson

Examiner.

13200

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

ss.

County of

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this day of 19.....

My commission expires

Notary Public.

Dist 36-6

Ethel F. Martin
Melvin Daniels

Dr 1833

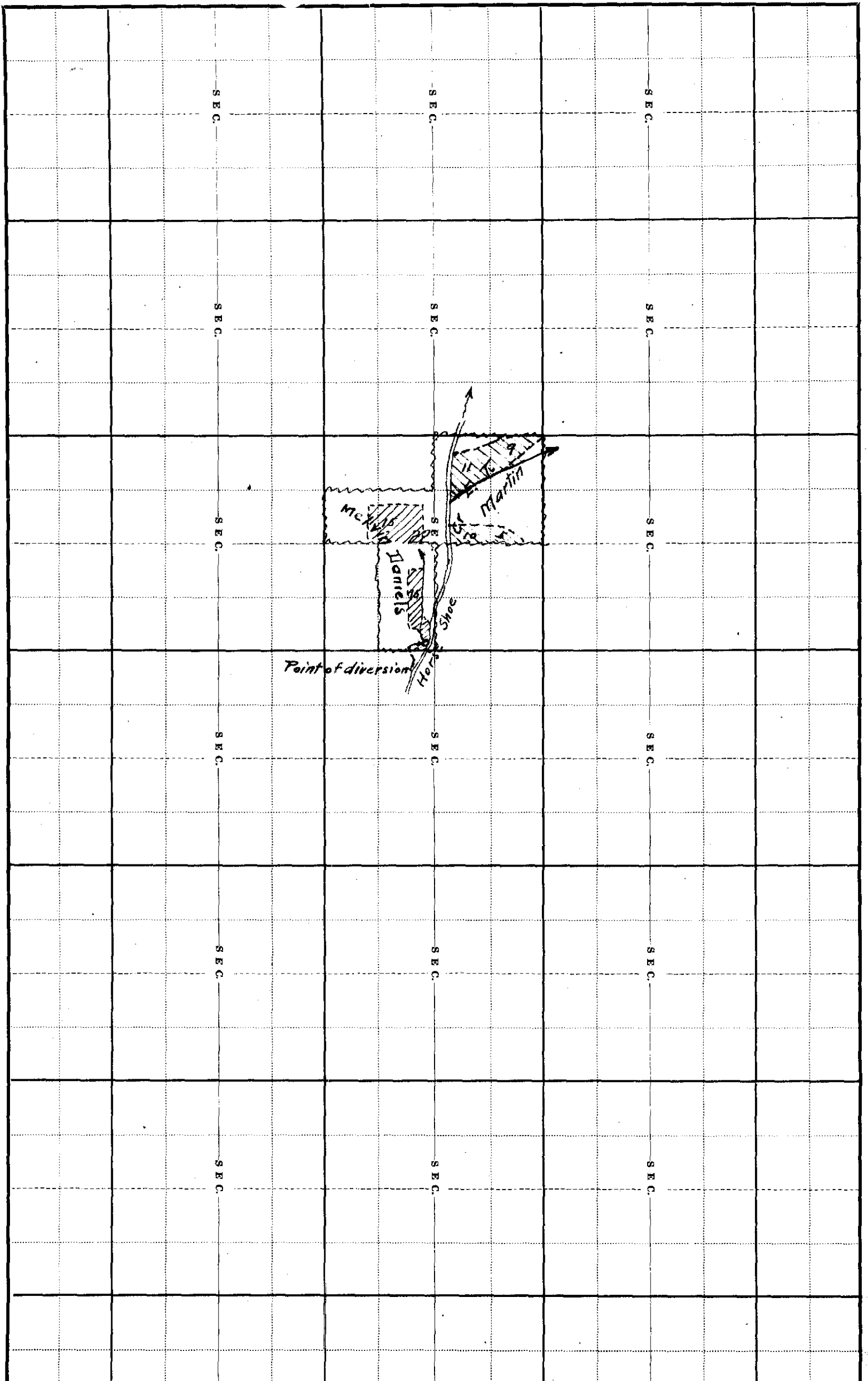
Permit No 13200

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

Ethel T. Martin
NAME OF APPLICANT Melvin Dan.

Beneficial use
Permit # 13200



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

13200

July 21, 1921.

Re: Permit 13200.

Mr. Melvin Daniels,
Driggs, Idaho.

Dear Sir:

As per your request of the 18th there is enclosed blank notices for publication of your intention to submit proof of beneficial use of water under the above numbered permit.

Please fill out both copies of these blanks, stating the date, place and Notary Public, or other officer authorized to administer oaths, before whom you desire to make this proof. Return both copies to this Department, designating the paper in which you wish it published and we will mail same to the publisher after checking with our records. In setting the time for making this proof, be sure to allow sufficient time for the notice to be published four weeks previous to the date set for proof. This should also be on or before October 13, 1921 in order to hold your date of priority.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

Chief Clerk.

LB
Encl.

13200

TETON VALLEY NEWS COMPANY
PUBLISHERS OF THE TETON VALLEY NEWS
ARTISTIC **PRINTING** ORIGINAL
SPECIALISTS IN BUSINESS STATIONERY
DRIGGS, IDAHO

July 18-21.

Commissioner of Reclamation

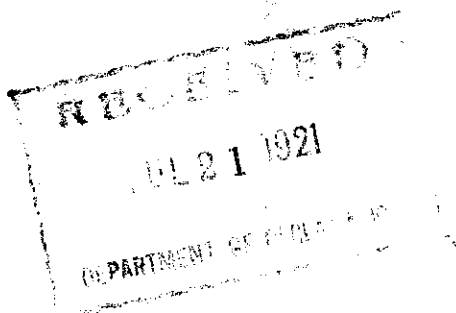
Dear Sir,

I am ready to prove up an water
under permit no 13200.

Please send Blanks

Yours truly

Melvin Danile.



Use 7 - 13-21

13200

State of Idaho
DEPARTMENT OF RECLAMATION

BOISE July 5, 1921.

Mr. Melvin Daniels
Briggs, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 13200, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,
E. G. SWENDSEN,

Commissioner of Reclamation.

13200

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

April 19th, 1921.

Hon. Commissioner of Reclamation,
Boise, Idaho

Dear Sir:--

We have the pleasure to hand you herewith
affidavit of publication of proof of application of
water to beneficial use of Ethel T. Martin on her
permit No. 13200. The other papers in this case
were sent you just recently.

Very respectfully,

THOMAS & ANDERSEN,

By

L. R. Thomas

LRT/AW

13200

Affidavit of Publication.

STATE OF IDAHO
COUNTY OF TETON

I, F. C. Madsen, the undersigned, being first duly sworn, upon oath deposes and says:

1. That I am the publisher of the "Teton Valley News," a weekly newspaper, printed and published in the Village of Driggs, in Teton County, State of Idaho.

2. That the *Notice of Application of Water* of which the attached is a copy, was published for 4 consecutive weeks, in the regular and entire issue of said newspaper, and not in any supplement thereof, beginning with the issue dated March 17, 1921 and ending with the issue dated April 7, 1921.

3. That said newspaper has been printed and published weekly in said Village of Driggs, Teton County, State of Idaho, continuously and uninterruptedly, for more than seventy-eight weeks prior to the first publication of said *Notice of Application of Water*.

Subscribed and sworn to before me this 9th day of April, 1921.

Richard S. Willis
Notary Public for the State of Idaho, residing at Driggs, Idaho.

My commission expires Dec. 10 - 1923.

13200

April 19, 1921.

Re: Permit 13200. Ethel T. Martin.

Messrs. Thomas & Anderson,
Attorneys at law,
Blackfoot. Idaho.

Gentlemen:-

We are in receipt of your letter of the 16th inst., enclosing depositions in the matter of proof of use of water under the above permit, favor of Ethel T. Martin. These have been checked and are found to be in regular order. No farther action will be taken until the examination can be made by our engineer later in the spring, at which time the holder will be notified as to fees required before issuing the license.

Very truly yours,

A. G. SWENDSEN.

Commissioner of Reclamation.

By _____
Chief Clerk.

13200

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

April 16, 1921.

Hon. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:--

We acknowledge your telegram of yesterday relative to the Martin proof and hand you the said proof which was taken yesterday, herewith. The newspapers have not yet forwarded the affidavit of publication. We have written for it, however, and immediately upon its receipt in our office, it will be forwarded to you.

Very respectfully,

THOMAS & ANDERSEN,

By Thomas

LRT/AW

13200

PERMIT NO. 13200**Proof of Application of Water to Beneficial Use****Deposition of Holder**

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Ethel T. Martin; 40 years; Blackfoot, Idaho; housekeeper;
Blackfoot, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Acting in my own behalf.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 13200; October 13, 1917 ; September 17, 1917.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Horse Shoe Creek; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Tp. 5 N., R. 44 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. A Ditch, 4 ft. wide at bottom, width at water line 6 ft., depth
2 ft.; 320 inches; Private Ditch.

Ques. 6. State for what purport water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Irrigation purposes on the NE $\frac{1}{4}$ Sec. 22.; NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres irri-
gated; All of SE $\frac{1}{4}$ NE $\frac{1}{4}$ irrigated; SW $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres irrigated and 30
acres of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ has been irrigated. All the irrigated land
has been cultivated. Good crops of grain.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. For irrigation purposes only.

Ques. 8. What is the minimum amount of water required for the specified above?

Ans. One inch per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. My private appropriation.

13200

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During the irrigation seasons of July and August 1919 and 1920: By distributing the water over the land to the extent of one inch per acre to the extent of 40 acres in the NW $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$, 35 acres in SW $\frac{1}{4}$ and 30 acres in the NW $\frac{1}{4}$.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and right claimed thereunder.

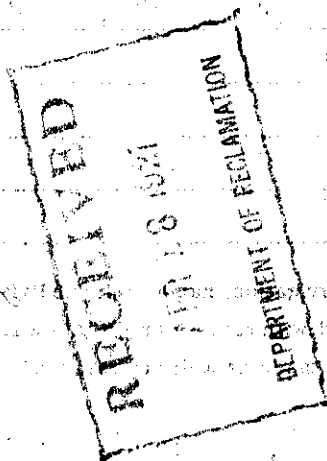
Ans. None.

(Sign)

Ethel J. Martin

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Blackfoot County of Bingham State of Idaho, on this 15th day of April A. D. 1921.

Samuel R. Thomas
Notary Public for the State of Idaho
Residing at Blackfoot, Idaho



13200

Permit No. 13200.....

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. Ora M. Tuohy; 22 years; Blackfoot, Idaho; housekeeper;

Blackfoot, Idaho

Ques. 2. Are you acquainted with Ethel T. Martin, the holder of Permit No. 13200? How long have you known him and where does he reside?

Ans. Yes; 15 years; Blackfoot, Idaho.

Ques. 3. Have you read or heard read said Permit No. 13200, and are you familiar with its provisions and conditions?

Ans. Yes; Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horse Shoe Creek; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Tp. 5 N., R. 44 E. B. M.

A Ditch, 4 ft. wide at bottom, width at water line 6 ft., depth

2 ft.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 6.4 second feet; 5 feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation purposes; NE $\frac{1}{4}$ of Section 22; 40 acres irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, All irrigated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres irrigated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres irrigated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$. All of the irrigated land has been cultivated. Crops of grain have been direct result of said use.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation purposes only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Agricultural land reclaimed by actual tillage and cultivation thereof. One inch per acre.

13200

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No; no; no.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During the irrigation seasons of 1919 and 1920: By distributing water over the land; about one inch per acre; to the extent of 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

(Sign)

Wm M Turkey

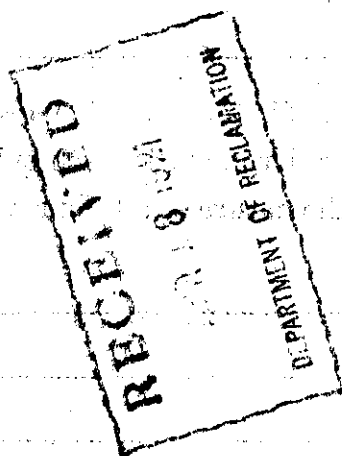
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Blackfoot, County of Bingham, State of Idaho, on this 15th day of April, A. D. 1921.

Samuel R. Thomas
Notary Public.

My commission expires May 26, 1923.

Residing at Blackfoot, Idaho

13200



Permit No. 13200

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

Ques. 1. State your name, age, residence, occupation and postoffice address,

Ans. Joseph S. Gordon; 67 years; Blackfoot, Idaho; farmer;

Blackfoot, Idaho.

Ques. 2. Are you acquainted with Ethel T. Martin, the holder of Permit No. 13200? How long have you known him and where does he reside?

Ans. Yes; 20 years; Blackfoot, Idaho.

Ques. 3. Have you read or heard read said Permit No. 13200, and are you familiar with its provisions and conditions?

Ans. Yes; yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Horse Shoe Creek; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Tp. 5 N., R. 44 E. B. M.

A private Ditch, 4 ft wide at bottom, width at water line 6 ft., depth 2 ft.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 6.4 second feet; 5 feet.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For Irrigation purposes: NE $\frac{1}{4}$ of Section 22; 40 acres irrigated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, all of the SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres irrigated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$; 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$. The irrigated land is all cultivated land. Grain has been raised as direct result of said irrigation.

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation purposes only.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. This is agricultural land reclaimed by tillage and cultivation thereof. One inch per acre.

13200

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No; no; no.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. During the irrigation seasons of 1919 and 1920; By distributing water over the land; one inch per acre; to the extent of 40 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 40 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 35 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

(Sign)

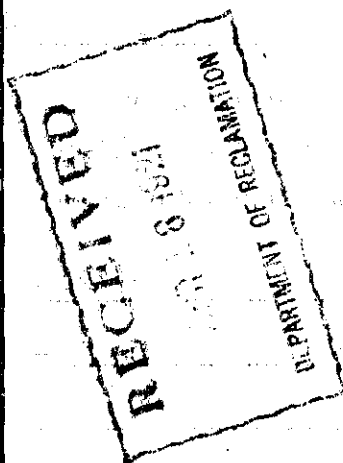
Joseph A. Gadow

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Blackfoot, County of Bingham, State of Idaho, on this 15th day of April, A. D. 1921.

Samuel R. Shuman
Notary Public.
Residing at Blackfoot, Idaho

My commission expires May 26, 1923.

13200



CLASS OF SERVICE DESIRED	
Telegram	X
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE MESSAGE WILL BE TRANSMITTED AS A FULL-RATE TELEGRAM

WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Receiver's No.
Check
Time Filed

Send the following message, subject to the terms
on back hereof, which are hereby agreed to

Boise, Idaho, April 15, 1921.

Mr. L. R. Thomas,

Blackfoot, Idaho.

Take Martin proof today. Priority September seventeen nineteen seventeen.

Letter to Daniels follows.

W.G. SWENDSEN,

Commissioner of Reclamation.

Chge. Dept. Reclamation
State House

By C. Brown
Chief Clerk

*Boise
13200*

13200

ALL MESSAGES TAKEN BY THIS COMPANY ARE SUBJECT TO THE FOLLOWING TERMS:

To guard against mistakes or delays, the sender of a message should order it **REPEATED**, that is, telegraphed back to the originating office for comparison. For this, one-half the un-repeated message rate is charged in addition. Unless otherwise indicated on its face, **THIS IS AN UNREPEATED MESSAGE AND PAID FOR AS SUCH**, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any **UNREPEATED** message, beyond the amount received for sending the same; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any **REPEATED** message, beyond fifty times the sum received for sending the same, *unless specially valued*; nor in any case for delays arising from unavoidable interruption in the working of its lines; *nor for errors in cipher or obscure messages*.

2. In any event the Company shall not be liable for damages for any mistakes or delays in the transmission or delivery, or for the non-delivery, of this message, whether caused by the negligence of its servants or otherwise, beyond the sum of **FIFTY DOLLARS**, at which amount this message is hereby valued, unless a greater value is stated in writing hereon at the time the message is offered to the Company for transmission, and an additional sum paid or agreed to be paid based on such value equal to one-tenth of one per cent. thereof.

3. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other Company when necessary to reach its destination.

4. Messages will be delivered free within one-half mile of the Company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the Company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

5. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

6. The Company will not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

7. *Special terms governing the transmission of messages under the classes of messages enumerated below shall apply to messages in each of such respective classes in addition to all the foregoing terms.*

8. *No employee of the Company is authorized to vary the foregoing.*

THE WESTERN UNION TELEGRAPH COMPANY

INCORPORATED
NEWCOMB CARLTON, PRESIDENT

CLASSES OF SERVICE

TELEGRAMS

A full-rate expedited service.

NIGHT MESSAGES

Accepted up to 2.00 A.M. at reduced rates to be sent during the night and delivered not earlier than the morning of the ensuing business day.

Night Messages may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Messages at destination, postage prepaid.

DAY LETTERS

A deferred day service at rates lower than the standard telegram rates as follows: One and one-half times the standard Night Letter rate for the transmission of 50 words or less and one-fifth of the initial rates for each additional 10 words or less.

SPECIAL TERMS APPLYING TO DAY LETTERS:

In further consideration of the reduced rate for this special "Day Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

a. Day Letters may be forwarded by the Telegraph Company as a deferred service and the transmission and delivery of such Day Letters is, in all respects, subordinate to the priority of transmission and delivery of regular telegrams.

b. Day Letters shall be written in plain English. Code language is not permissible.

c. This Day Letter may be delivered by the Telegraph Company by telephoning the same to the addressee, and such delivery shall be a complete discharge of the obligation of the Telegraph Company to deliver.

d. This Day Letter is received subject to the express understanding and agreement that the Company does not undertake that a Day Letter shall be delivered on the day of its date absolutely and at all events; but that the Company's obligation in this respect is subject to the condition that there shall remain sufficient time for the transmission and delivery of such Day Letter on the day of its date during regular office hours, subject to the priority of the transmission of regular telegrams under the conditions named above.

No employee of the Company is authorized to vary the foregoing.

NIGHT LETTERS

Accepted up to 2.00 A.M. for delivery on the morning of the ensuing business day, at rates still lower than standard night message rates, as follows: The standard telegram rate for 10 words shall be charged for the transmission of 50 words or less, and one-fifth of such standard telegram rate for 10 words shall be charged for each additional 10 words or less.

SPECIAL TERMS APPLYING TO NIGHT LETTERS:

In further consideration of the reduced rate for this special "Night Letter" service, the following special terms in addition to those enumerated above are hereby agreed to:

a. Night Letters may at the option of the Telegraph Company be mailed at destination to the addressees, and the Company shall be deemed to have discharged its obligation in such cases with respect to delivery by mailing such Night Letters at destination, postage prepaid.

b. Night Letters shall be written in plain English. Code language is not permissible.

No employee of the Company is authorized to vary the foregoing.

April 15, 1921.

Re: Permit 13200-Ethel T. Martin.

Mr. L. R. Thomas,
Attorney at law,
Blackfoot, Idaho.

Dear Sir:-

The enclosed copy of our letter to Mr. Daniels, relative to his protest against making proof under the above permit at Blackfoot, will give you the information asked for in your letter of the 23th inst., just received. It will not be necessary to republish the notice on account of the error in the date of priority in the published notice, as the holder has the right to try to establish an earlier priority even than the date of filing the application in this office but, in any event, the date of priority under a permit issued by this office, where proof of use of water is made within the time required, is the date of the first receipt of the application in this office.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

Enc.

By _____
Chief Clerk.

13200

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

April 13th, 1921.

Hon. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:--

We are in receipt of a copy of the protest filed with you by Melvin Daniels protesting against the allowance of final proof by Ethel T. Martin on her interest in permit No. 13200. We know of no law or rule that would prevent Mrs. Martin from making proof of beneficial use of water on her interest in this permit, provided, of course, she has fully complied with the requirements of the law; neither do we know of any reason why at some other time and elsewhere Mr. Daniels could not make his proof, provided he also had complied with the law.

We observe from this protest that inadvertently the date of priority is given September 17, 1921, whereas it should be September 17, 1917. This error crept into the notice of publication somehow or other, but regardless of the date fixed in the notice, we presume in issuing the license, you will insert the proper and correct date. We do not believe this is a material matter. If it is, and you should require a re-publication on account of this mistake, please advise us at once.

We will take the proof at the time and place fixed therefor, and will hold same in our office until we receive your reply to this communication.

Very respectfully,

THOMAS & ANDERSEN

By L. R. Thomas

LRT/AW

13200

April 14, 1921.

Re: Permit 13200.

Mr. Melvin Daniels,
Driggs, Idaho.

Dear Sir:-

Relative to your protest against making proof under the above permit, received today, would say that you are not required to appear and make proof under this publication if you do not desire to do so but this would in no way interfere with the other holder in the permit. Ethel T. Martin, making proof of her right to the water for her lands. You may file notice of proof of beneficial use of the water for your lands alone, upon the enclosed blanks, and set the time, the place, the date and the name of the party before whom you desire to make proof. If the other holder desires to go to Blackfoot and make her proof, she has the right to do so and you have the same right to advertise your proof ~~and make~~ where it is most convenient to you. Proof on the water, however, is not required to be made within the county, nor within the water district, within which the lands are located. It can be made at any place within the State of Idaho, if the holder desires. Your protest could, therefore, not be considered against making proof by Ethel T. Martin.

You have until October 13, 1921, to make your proof and still retain September 17, 1917, as date of priority.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

2F10

By _____

5,13200

DEPARTMENT OF RECLAMATION.

IN THE MATTER OF "NOTICE OF
PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE", UNDER P R O T E S T .
PERMIT NO. 13200.
.....

STATE OF IDAHO,)
) ss.
County of Teton.)
.....

Melvin Daniels being first duly sworn deposes and
says:

1st. That he is a citizen of the United States over the
age of 21 years.

2nd. That commencing with the issue of March 17, and ending
with the issue of April 7 of the Teton Valley News a weekly news
paper published at Driggs, in Teton County, Idaho, a "Notice of
Proof of Application of Water to Beneficial Use" under Permit No.
13200 was published, a copy of the notice as published in said
news paper is hereto attached marked "Exhibit A" and made a part
hereof, and to which reference is hereunto made for a full and
complete statement of the contents of said notice.

3rd. That affiant herein is the owner of 160 acres of the
land embraced in said notice, to-wit: The S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the
East $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 22 Twp. 5 North, Range 44 E.B.M.

4th. That affiant herein is an owner of one-half of all the
right
water/embraced in said permit No. 13200, and that Ethel T. Martin
is the owner of the other half of said water right, and that said
and that said application for said permit No. 13200 was made jointly
between affiant herein and the said Ethel T. Martin.

5th. That said permit No. 13200 permits the use of 6.4 cubic
feet of water per second from the waters of Horse Shoe Creek, to and

upon the lands lying and being in Teton County, Idaho, and within District 36C of Idaho, being the land hereinbefore described and the NE $\frac{1}{4}$ of said Section 22 Twp. 5 N.R. 44 E.B.M. owned by the said Ethel T. Martin.

6th. That said notice advertises the proof to be made under said permit, and for the whole amount of water claimed under the same to be made at Blackfoot, Idaho, on April 15th, 1921 at the hour of 10:30 o'clock A.M., before Lorenzo R. Thomas, a Notary Public.

7th. That the place where said proof is to be made is not within Teton County, Idaho, or within District No. 36C of Idaho, and is approximately 113 miles by Rail way from the place where said water is used and applied upon the land, and from where the same is diverted from the said creek.

8th. That said notice was published without permission or any knowledge that the same was to be published, by this affiant and affiant knew nothing of the matter until he saw said notice in said news paper.

9th. That the date of the priority to be established in said notice is Sept. 17, 1921. And affiant is informed and therefore believes that any proof establishing a date of priority, at any date prior to the date as published would be void, and the refore alleges the fact to be that the same would be void. That affiant wishes to establish a priority of date of September 17, 1917, when making his proof upon his portion of said permit.

10th. That it is an unnessary expense to make this proof at Blackfoot, Idaho, and affiant is not in a position to incur this expense at this time. That said proof is not to be made under said notice in the county where said water right is to be established, nor in the District No. 36C of Idaho.

11th. Affiant makes this affidavit of Protest for the purpose of protesting against the issuance of any License under said permit that will in any way affect the rights and interest of affiant in and to the same, or in any way affect the land mentioned in paragraph 3 hereof, for the reason that any License issued under said notice as published would be void if a date prior to Sept. 17, 1921 was allowed in the same.

WHEREFORE, affiant prays that your Honorable Department will make and issue an order, directing that no proceedings be had upon the Notice as published, and that a new notice be published, for the making of the proof under said permit, as to 3.2 cubic feet of water, for and upon the $S\frac{1}{2}$ of the $NW\frac{1}{4}$ and the $E\frac{1}{2}$ of the $SW\frac{1}{4}$ of Sec. 22 Twp. 5, N.R. 44 E.B.M., at Driggs, Idaho, in Teton county, and within District No. 360 of Idaho, before a Notary Public, and at a date as soon as sufficient notice can be given.

Melvin Daniels

Subscribed and sworn to before me this 12th day of April, 1921.

Richard S. Wilkie
Notary Public for the State of Idaho,
residing at Driggs, Idaho.

"EXHIBIT A"

NOTICE FOR RECLAMATION

Notice of Filing of Application of Water
to Reclamation Use

Notice is hereby given that at 10:30 A. M. on the 15th day of April, 1941, at Moscow, County of Bingham, State of Idaho, before Lawrence E. Thomas, Notary Public, deed will be submitted of the application to beneficial use of 5.4 cubic feet per second of the waters of Horse Shoe Creek in accordance with the terms and conditions of Permit No. 1350 heretofore issued by the State Engineer of the State of Idaho.

The name and residence addresses of the persons holding said permit are: Elmer T. Martin and Edwin Daniels, of Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic use.

The amount applied to beneficial use is 5.4 cubic feet.

The place where said water is used is the NW 1/4, SW 1/4, NW 1/4, SW 1/4 and NE 1/4 SW 1/4, Sec. 15, T. 5 N., R. 44, E. 2 E., N. 1 W.

The date of priority which said users are prepared to establish is September 17, 1921.

W. G. SWENDBERG
Commissioner of Reclamation.

April 17, 1941

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April 8, 1921.

Re: Permit 13200-

Mr. Melvin Daniels,
Driggs, Idaho.

Dear Sir:-

Replying to yours of the 5th would say that your date of priority under the above permit will be the date of the filing in this office, September 17, 1917, instead of 1921. This was in error in sending out the notice but will not adversely affect your right. In your deposition you can establish your priority as of the date above specified, September 17, 1917.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

13200

Lrigga Ida
March 5 - 21.

Mr. W. G. Sundsen.

Dear sir.

I am inclosing a notice of
water proof from The Tetan valley
News. an attorney here said the
date to establish priority is wrong
we filed in 1917 and I have
used the water ever since 1918.

Could I have this republished
and prove up here at Lrigga as
my part of this land independent
of Mrs Martin?

Yours truly

Melvin L. Smith.

State of Idaho

DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS PROOF OF BENEFICIAL USE

BOISE, IDAHO, **March 31, 1921.**

Ethel T. Martin,
c /o Lorenzo R. Thomas,
Notary Public.

Blackfoot, Idaho.

DEAR ~~SIR~~ **Madam:**

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 18200

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On April 15, 1921., the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at Blackfoot before Lorenzo R. Thomas, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

13200

(P. O.) Triggs, Idaho
(Date) March 11, 1921

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of March 10, 1921 enclosing notice of proof under
Permit No. 13200 which will be published as you request, beginning with our issue of March 17
1921

J. C. Madsen
Publisher Teton Valley News.

13200

March 10, 1921.

Re Permit 13200- Martin & Daniels.

Messrs. Thomas & Anderson.
Attorneys at law,
Blackfoot, Idaho.

Gentlemen:--

Your letter of the 4th inst., enclosing notice of proof of use of water under above permit, received. April 15th has been set as date for the hearing, at your office, and a copy of the notice has today been mailed to the Teton Valley News, at Driggs. Deposition blanks will later be mailed to Mr. L. R. Thomas, before whom proof is to be made.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

13200

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

March 4, 1921.

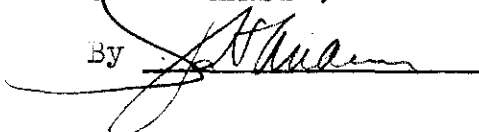
W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:--

"We are enclosing herewith notice of proof of application of water to beneficial use of Ethel T. Martin and Melvin Daniels of Driggs, Idaho. Please fill in the date and notify Mr. Thomas of the date set for taking the proof.

Yours very truly,

THOMAS & ANDERSEN,

By 

JHA/AW

MAR 7 1921

13200

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:30 a. m. on the 15th day of April, 1921,
at Blackfoot, County of Bingham, State of Idaho,
before Lorenzo R. Thomas, Notary Public, proof will be submitted
of the application to beneficial use of 6.4 cubic feet per second of the
waters of Horse Shoe Creek in accordance with the terms and conditions of
Permit No. 13200 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Ethel T. Martin and Melvin Daniels of Driggs, Idaho.

The use to which said water has been applied is irrigation and domestic use

The amount applied to beneficial use is 6.4 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The NE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, T. 5 N., R. 44 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is Martin and Daniels Canal

The right to take water from such works is based upon Permit No. 13200.

The source of supply from which such water is diverted is the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22,
Tp. 5 N., R. 44 E. B. M.

The date of the priority which said user is prepared to establish is September 17, 1917.

W. G. Swendsen,
Commissioner of Reclamation
State Engineer.

Tecon Valley News - Driggs
SESW - 22 - 5N - 44E
36-C

13200

March 1. 1921.

Re: Permit 13200- Martin & Daniels.

Mr. L. R. Thomas,
Attorney at law,
Blackfoot, Idaho.

Dear Sir:--

Am enclosing herewith certificate of completion of
works issued under the above permit, with receipt for fees paid.
Am also returning the assignment of an interest in said permit
to Ethel T. Martin.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

CCW-R6507-Asn.

13200

Proof of Completion of Works

DEPOSITION OF HOLDER Under Terms of H.N. 53, Laws 1917.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. James A. Martin, age 42, Blackfoot, Idaho; farmer and merchant;
(making proof for both holders of said permit, the other holder being
Melvin Daniels, over the age of 21 years, residing at Driggs, Teton
County, Idaho; occupation farmer.)

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. #13200, October 13, 1917; 6.4 second feet; Horseshoe Creek;
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Tp. 5 N., R. 44 E., B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Domestic and irrigation purposes.
For irrigation of 320 acres, described as NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 22, Tp. 5 North, R. 44 E. B. M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water has been turned into the irrigation works for two years
last past, during which time the total amount of water authorized has
been diverted and used for irrigation through said works during the
irrigation season.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes; yes, except that the works are more expensive than shown
in the permit. *Works completed in 1919*

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Two ditches of the size mentioned in the permit are diverted at
the point of diversion, one on each side of the creek, and cover the
entire tract.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Two ditches from point of diversion, one on each side of the creek
4 ft. at bottom, 6 ft. at water line, depth of water 2 ft., 3/4 miles long
each, grade per mile 8 ft. Cost of works \$500.00

(Sign here.)

James A. Martin

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed

and sworn to before me, in Blackfoot, County of

Bingham, State of Idaho, on this 3rd day of

January A. D. 1921.

J. T. Anderson

Notary Public.

My Commission expires August 27, 1923.

Residing at Blackfoot, Idaho

13200

STATE OF IDAHO

Department of Reclamation.

In the Matter of the Reinstatement)
of Permit No. 13200, Under the Pro-)
visions of Section 5574, Compiled)
Statutes of Idaho.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 13200 lapsed through failure of the holders to make proof of completion of works within the time specified, to-wit: October 13, 1920; and,

WHEREAS, On the 3rd day of January, 1921, the holders filed their depositions in support of the proof of completion of works, said depositions setting forth the fact that the works of diversion under said permit were fully completed within the time required and that the holders had acted in good faith; and

IT IS, THEREFORE, Hereby ordered that said Permit No. 13200 be, and the same is, hereby reinstated, and that the certificate of completion of works be issued in the usual manner.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 24th day of February, 1921.

M. G. Swenson
Commissioner of Reclamation.

By J. J. Bass
Deputy.

13200

August 30, 1920.

Re Permit 13200.

Messrs. Thomas & Anderson,
Attorneys at law,
Blackfoot, Idaho.

Gentlemen:—

Am enclosing herewith copy of Permit No. 13200,
favor of James A. Martin and Melvin Daniels, per your request
the 27th inst. We are very sorry that this was overlooked
at the time your first request was made. No charge is made
for a short copy of this kind.

Very truly yours,

W. G. STEINSMAN,

Commissioner of Reclamation.

By _____

C-

13200

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

Aug. 27, 1920.

Hon. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:--

On the 15th ultimo, we wrote you as follows:
"Sometime ago, probably two or three years, water permit
issued to James Martin and Melvin Daniels for certain
water in Teton County, Idaho. The permit has been mis-
placed by these parties and if you will kindly send us
a pencilled copy with your bill, we will appreciate it
very much and we will remit the amount of the statement
immediately upon its receipt."

We have never received answer to the said
letter. Perhaps you have had difficulty in locating the
permit. However, we would appreciate a report in this case,
because we want to take the necessary steps to protect
Mr. Martin's rights and makeproof upon the water appro-
priated as soon as possible.

Very respectfully,

THOMAS & ANDERSEN,

By

L. R. Thomas

IRT/ANP

13200

13200

State of Idaho
ENGINEERING DEPARTMENT
BOISE

October 13, 1917.

Permit No. 13200.
Thomas & Andersen,
Blackfoot, Idaho.

Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND
CONDITIONS OF SAME as given under approval of State Engineer on the third page.

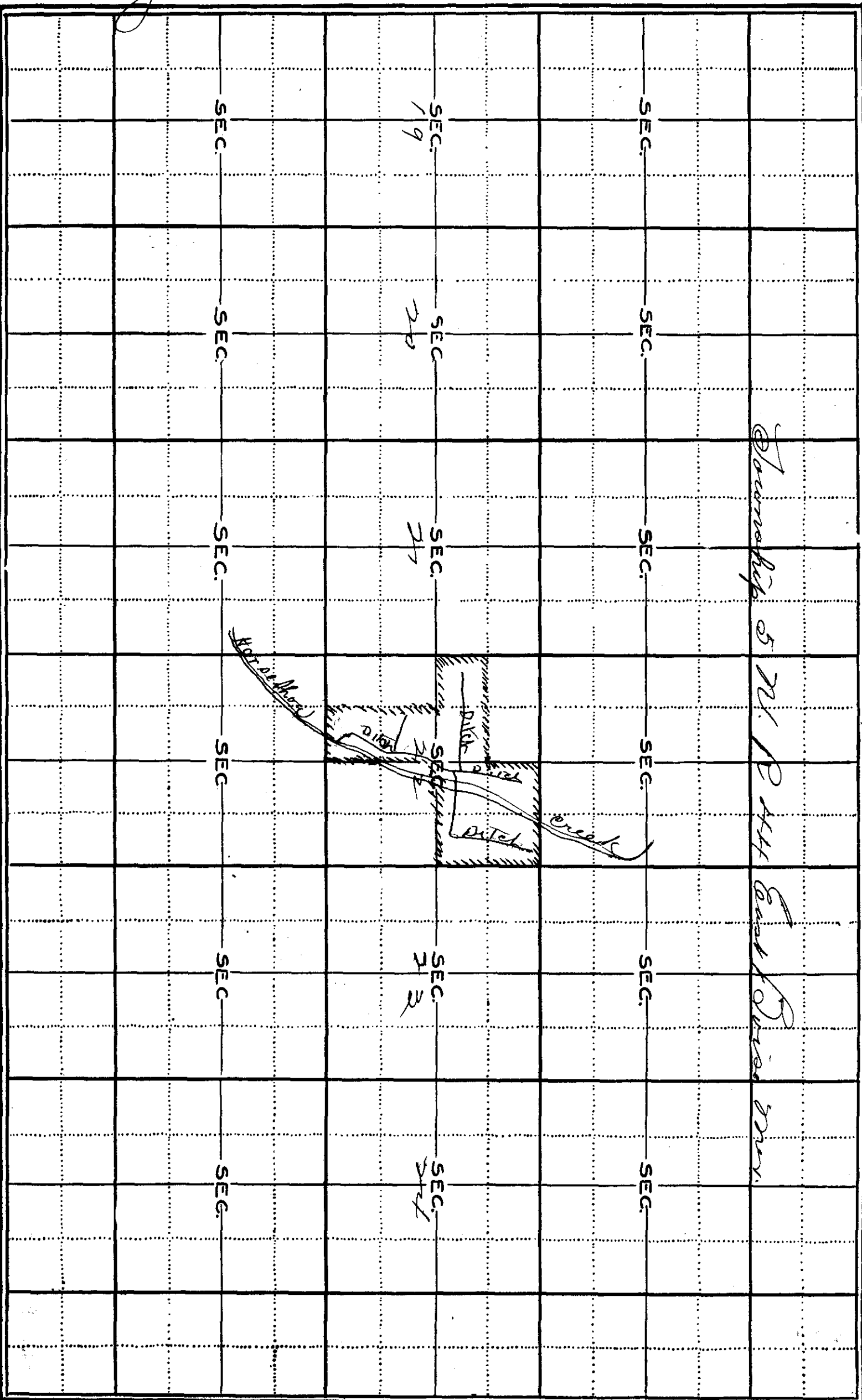
J. H. SMITH,

State Engineer.

R-1023.

13200

Name of Applicant James A. R. Arden and Melvina Daniels



Traverse by S. W. R. H. L. East of Davis River

L. R. THOMAS

J. N. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

Sept.
14th
1917

18849

State Engineer,
Boise, Idaho.

Dear Sir:

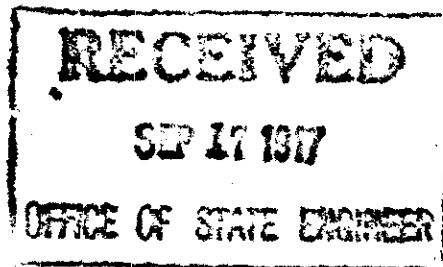
We hand you herewith the application
of James A. Martin and Melvin Daniels for
permit to appropriate 320 acres of water
of Horseshoe Creek in Teton County, together
with our check for \$1.60.

Very respectfully,

THOMAS & ANDERSEN

BY *J. N. Andersen*

JHA:WST
INCL 2



13200